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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,512	10/22/2003	Chang Cheng Yu	4130SF	2221
7590	12/30/2004			
Chang Cheng YU P.O.Box 63-298 Taichung, 406 TAIWAN				
EXAMINER CHOI, STEPHEN				
ART UNIT 3724				
PAPER NUMBER				

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,512

Applicant(s)

YU, CHANG CHENG

Examiner

Stephen Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: line 8, "that that of said opening" is grammatically not understood. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 5,320,011) in view of Peters (US 4,389,135).

Lee discloses the invention substantially as claimed including:

- a) a base including a side portion (8);
- b) a cutter blade attached to the base (3);
- c) a catch attached to the cutter blade (1), and including an orifice (at 12) formed therein;
- d) a latch device (an end portion of 7);
- e) a hand grip (11).

Lee fails to disclose the orifice including an inner diameter greater than that of the opening, the latch device including a pole, a rod slidably received in the cavity including an outer diameter smaller than that of the orifice and the opening, and means for biasing the pole including a spring, a barrel having a bore, an aperture, and a

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peripheral bulge, a screw hole on the pole, and an outer thread on the rod. Peters discloses a releasable locking device comprising a catch (61) including an orifice including an inner diameter greater than that of an opening (64, 65), a latch device including a pole (140) including a screw hole (at 142, internal threads), a rod (142) having an outer thread (149) and slidably received a bore (34) of a barrel (22), a peripheral bulge (24), and means for biasing the pole (52). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a locking device as taught by Peters on the device of Lee as an alternative means for releasably locking the blade.

4. Claims 1 and 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Kienzler (US 6,746,058).

Lee discloses the invention substantially as claimed except for the catch having an opening smaller than an inner diameter of the orifice and a rod having an outer diameter smaller than that of the orifice, a latch device having a pole, a rod, a barrel having a bore, an aperture, and a peripheral bulge, means for biasing a pole including a spring, a screw hole on the pole, and an outer thread on the rod.

Kienzler discloses a spring loaded assembly including a rod (16) slidably received a bore (17) of a barrel (9), means for biasing a pole (1) including a spring (18) received in the bore and engaged with the rod, the barrel including an aperture (Figure 2) having an inner diameter smaller than that of the bore and including a peripheral bulge extending radially and outwardly (Figure 2), and the pole including a screw hole (20), and the rod including an outer thread (19). It would have been obvious to

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one having ordinary skill in the art at the time the invention was made to employ the spring loaded assembly as taught by Kienzler on the device of Lee in order to provide means for securely positioning the catch to prevent inadvertent unlocking. Note that the barrel is capable of engaging the cavity of the base, in turn; the bulge engages with the base and positions the barrel to the base. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the catch having an opening smaller than an inner diameter of the orifice and the rod having an outer diameter smaller than that of the orifice on the device of Lee since the examiner takes Official Notice of the use of such a catch engaging a rod as old and well known in the art for the purpose of interlocking two parts together. Cross shows one example of such a device. It is noted that the examiner's assertion of official notice of the previous office action is taken to be admitted prior art since applicant failed to traverse the examiner's assertion of official notice.

Response to Arguments

5. Applicant's arguments with respect to claims 1 and 3-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Friday 9:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sc
27 December 2004


STEPHEN CHOI
PRIMARY EXAMINER